

REMARKS

The Office has required restriction to one of the following inventions as under 35 U.S.C. §121:

- I. Claims 17-30, 32, 33, 35, 37-40, 45-53, 66 and 67, drawn to a method of generating multiple copies of a nucleic acid sequence using transcription and amplification, classified in class 435, subclass 91.2, for example.
- II. Claims 56-60, 64 and 65, drawn to a system and a kit comprising a primer, an RNA-dependent DNA polymerase, an enzyme that cleaves RNA from RNA/DNA hybrid and an RNA polymerase, classified in class 536, subclass 23.4, for example.

Applicants hereby elect Group I, without traverse. Applicants expressly reserve the right under 35 U.S.C. §121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

The Examiner has further required an election of species:

Species of the target polynucleotide

- A) target polynucleotide is DNA (claim 21),
- B) target polynucleotide is RNA (claims 22, 27),

Species of the first and second primers

- C) the first and second primers are the same (claim 23),

- D) the first and second primers are different (claims 24, 25),

Species of the propromoter oligonucleotide

- E) propromoter oligonucleotide is a TSO (claim 28),

- F) propromoter oligonucleotide is a PTO (claim 29).

Species of the polymerases

- G) the DNA polymerase is a DNA-dependent DNA polymerase and the DNA-dependent DNA polymerase and the RNA-dependent DNA polymerase are one enzyme (claim 32),

- H) the RNA-dependent DNA polymerase and enzyme that cleaves RNA from an RNA/DNA hybrid are the same enzyme (claim 33),

- I) the DNA polymerase is a DNA-dependent DNA polymerase, and the DNA-dependent DNA polymerase and enzyme that cleaves RNA from an RNA/DNA hybrid are the same enzyme (claim 35),

- J) the DNA polymerase is a DNA-dependent DNA polymerase, and the DNA-dependent DNA polymerase, the RNA-dependent DNA polymerase and enzyme that cleaves RNA from an RNA/DNA hybrid are the same enzyme (claim 37).

Applicants hereby elect species A (target polynucleotide is DNA), species D (the first and second primers are different), species E (propromoter oligonucleotide is a TSO), and species H (the RNA-dependent DNA polymerase and enzyme that cleaves RNA from an RNA/DNA hybrid are the same enzyme). The claims readable on species A are claims 17-21, 23-26, 28-30, 32-33, 35, 37-40, 45-53, and 66-67. The claims readable on species D are claims 17-22, 24-30, 32-33, 35, 37-40, 45-53, and 66-67. The claims readable on species E are claims 17-28, 30, 32-33, 35, 37-40, 45-53, and 66-67. The claims readable on species H are 17-30, 33, 38-40, 45-53, and 66-67.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species as provided by 37 C.F.R. §1.141.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing (492692000610). However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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